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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,129	03/31/2004	Kevin Loughran	LUTZ 2 00554	9164

48116 7590 07/14/2009

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EXAMINER	
AHMED, SALMAN	
ART UNIT	PAPER NUMBER
2419	
MAIL DATE	DELIVERY MODE
07/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/815,129	LOUGHRAN ET AL.	
	Examiner	Art Unit	
	SALMAN AHMED	2419	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Salman Ahmed/
Examiner, Art Unit 2419

Continuation of 11. does NOT place the application in condition for allowance because: 1. Applicant's arguments see pages 8-16 of the Remarks section, filed 7/1/2009, with respect to the rejections of the claims have been fully considered and are not persuasive.

2. Applicant argues that Willis does not disclose or fairly suggest a digital communication system with a plurality of nodes interconnected through a fabric in which a node includes a network processing device that supports routing and forwarding of digital information in a network protocol for transporting cell information and a network protocol for transporting packet information in which the node supports native transport of digital information to and from the fabric in a network protocol for transporting cell information and a network protocol for transporting packet information; Rather, Willis discloses a node in which the input and output data is multiplexed and encapsulated.

3. However, Examiner respectfully disagrees with the Applicant's assertion. Willis does indeed teach the cited limitations. Specifically, Willis in the same or similar field of endeavor teaches a node supports native transport of digital information to and from a fabric in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information; wherein each at least one network processing device supports routing and forwarding of digital information within corresponding nodes in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information (abstract, paragraph 0056, 0058, a communication node contains intelligence for directing both internet protocol (IP) packets and Asychronous Transfer Mode (ATM) cells toward their destinations. The ATM cells and IP packets may be received within a common data stream. The respective devices process the ATM cells and IP packets to direct the cells and packets to the proper output ports towards their destinations. The device is capable of performing policing and quality of service (QOS) processing on both the ATM cells and the IP packets. FIG. 7 provides a functional diagram that exhibits the lifetime of processing from input to output for a given data stream in the illustrative embodiment. The OC-48 input data stream 90 is first demultiplexed 92 into the separate tributaries (also known as "channels"). The data within each of the channels is decapsulated 94 to remove the data from SONET frames and layer 2 frames. ATM input processing 96 is performed on ATM cells in the input data and IP input processing 98 is performed on IP packets in the input data. Data passes over the interconnect 62 to an output line card. The output line card performs output processing 102, which includes queuing and traffic shaping 102. Encapsulation 104 is performed on the data and the respective tributaries are multiplexed 106 to produce an OC-48 output data stream 108. The resulting data in the respective tributaries may be in any of a number of different formats. The receive ASIC 70 delineates this data (step 112 in FIG. 8) to gain access to the ATM cells, PPP frames or FR frames carried therein (see 94 in FIG. 7). Each IP packet may be composes of multiple ATM cells or may be contained in a PPP frame or FR frame). Willis further teaches the device of the present invention allows a network developer to not commit exclusively to a single protocol; rather the device of the present invention allows the developer to support a number of different protocols within a single device. The device of the present invention provide a true multi-source capability. The device is capable of handling ATM, IP packet over SONET and the routing of IP packets over ATM (paragraph 0005).

4. In regards to limitation "a digital communication system with a plurality of nodes interconnected through a fabric in which a node includes a network processing device that supports routing and forwarding of digital information in a network protocol for transporting cell information and a network protocol for transporting packet information", Wybenga et al. disclose a plurality of nodes interconnected through a fabric (paragraphs 0035, routing nodes 110, 120, 130 and 140, connected by switch 150, which comprises a pair of high-speed switch fabrics 155a and 155b), at least one node (see paragraph 35 line 6 routing nodes) comprising a plurality of network processing devices (see figure 2 box 230 classification processor box 240 system processor box 250 async variables controller, Network Processor 260); at least one network processing device for receiving digital information, for determining a destination within the node for the digital information, and for providing the digital information to the destination (see paragraph 21 line 5-15). Therefore, Wybenga, in view of Willis teach the limitations in question. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. Applicant argues (see page 11) that within the Willis node, input processing includes demultiplexing and decapsulation prior to routing through an interconnect switch. Thus, the data passing through the Willis interconnect switch is not in network protocols for transporting cell information or packet information.

6. However, Examiner respectfully disagrees with the Applicant's assertion. Willis does indeed teach the cited limitations. Specifically, Willis teaches the device of the present invention allows a network developer to not commit exclusively to a single protocol; rather the device of the present invention allows the developer to support a number of different protocols within a single device. The device of the present invention provide a true multi-source capability. The device is capable of handling ATM, IP packet over SONET and the routing of IP packets over ATM (paragraph 0005). Therefore, Willis does indeed teach the data passing through the interconnect switch is in network protocols for transporting cell information or packet information, as claimed.

7. Therefore, Examiner respectfully disagrees with the Applicant's assertion (see page 12) that neither Wybenga nor Willis disclose or fairly suggest a node that supports native transport of digital information to and from a fabric in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information or a network processing device that supports routing and forwarding of digital information within a corresponding node in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information as recited in claim 1.

8. Dependent claims 2, 4, 5, 8, 11, 15, 16, 29 and 30 are not allowable for the same reasons.

9. Applicant argues that (see page 13) that neither Wybenga nor Willis disclose or fairly suggest a communication node that supports native transport of digital information to and from other nodes of a communication network in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information or a network processing device that supports routing and forwarding of digital information within the communication node in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information as recited in claim 17.

10. However, Examiner respectfully disagrees with the Applicant's assertion. Wybenga and Willis do indeed teach the cited limitations. Specifically, Willis in the same or similar field of endeavor teaches a node supports native transport of digital information to and from a fabric in a plurality of network protocols, including network protocols for transporting cell information and network protocols for

transporting packet information; wherein each at least one network processing device supports routing and forwarding of digital information within corresponding nodes in a plurality of network protocols, including network protocols for transporting cell information and network protocols for transporting packet information (abstract, paragraph 0056, 0058, a communication node contains intelligence for directing both internet protocol (IP) packets and Asychronous Transfer Mode (ATM) cells toward their destinations. The ATM cells and IP packets may be received within a common data stream. The respective devices process the ATM cells and IP packets to direct the cells and packets to the proper output ports towards their destinations. The device is capable of performing policing and quality of service (QOS) processing on both the ATM cells and the IP packets. FIG. 7 provides a functional diagram that exhibits the lifetime of processing from input to output for a given data stream in the illustrative embodiment. The OC-48 input data stream 90 is first demultiplexed 92 into the separate tributaries (also known as "channels"). The data within each of the channels is decapsulated 94 to remove the data from SONET frames and layer 2 frames. ATM input processing 96 is performed on ATM cells in the input data and IP input processing 98 is performed on IP packets in the input data. Data passes over the interconnect 62 to an output line card. The output line card performs output processing 102, which includes queuing and traffic shaping 102. Encapsulation 104 is performed on the data and the respective tributaries are multiplexed 106 to produce an OC-48 output data stream 108. The resulting data in the respective tributaries may be in any of a number of different formats. The receive ASIC 70 delineates this data (step 112 in FIG. 8) to gain access to the ATM cells, PPP frames or FR frames carried therein (see 94 in FIG. 7). Each IP packet may be composes of multiple ATM cells or may be contained in a PPP frame or FR frame). Willis further teaches the device of the present invention allows a network developer to not commit exclusively to a single protocol; rather the device of the present invention allows the developer to support a number of different protocols within a single device. The device of the present invention provide a true multi-source capability. The device is capable of handling ATM, IP packet over SONET and the routing of IP packets over ATM (paragraph 0005).

11. In regards to limitation "a digital communication system with a plurality of nodes interconnected through a fabric in which a node includes a network processing device that supports routing and forwarding of digital information in a network protocol for transporting cell information and a network protocol for transporting packet information", Wybenga et al. disclose a plurality of nodes interconnected through a fabric (paragraphs 0035, routing nodes 110, 120, 130 and 140, connected by switch 150, which comprises a pair of high-speed switch fabrics 155a and 155b), at least one node (see paragraph 35 line 6 routing nodes) comprising a plurality of network processing devices (see figure 2 box 230 classification processor box 240 system processor box 250 async variables controller, Network Processor 260); at least one network processing device for receiving digital information, for determining a destination within the node for the digital information, and for providing the digital information to the destination (see paragraph 21 line 5-15). Therefore, Wybenga, in view of Willis teach the limitations in question.

12. Dependent claims 19, 20, 23, 26, 31 and 32 are not allowable for the same reasons.

13. Claim 33 is not allowable for the same reasons as cited above for claim 1.

14. Dependent claims 6, 9, 14, 21 and 22 are not allowable for the same reasons..